

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

KENBON DERESSA, *et al.*,

Plaintiffs,

v.

ALEJANDRO MAYORKAS, *et al.*,

Defendants.

CASE NO. 2:21-cv-01528-RSM-JRC

**ORDER ADOPTING REPORT  
AND RECOMMENDATION**

This matter comes before the Court on the Report and Recommendation of Chief Magistrate Judge J. Richard Creatura, Dkt. #16, and the Objections filed by Defendants, Dkt. #17. The Court agrees with the R&R that, given the factual record, the Court is not being put in the position of “ordering the State Department to restaff its embassy in Ethiopia” because the embassy has already been restaffed. Defendants have otherwise failed to demonstrate that the Court’s involvement in this case hinges on resolving a nonjusticiable political question. The Court further agrees with the R&R’s finding that Plaintiffs have alleged enough facts to survive a motion to dismiss for failure to state a claim. Judge Creatura’s recommendation to not consider the submitted

1 extrinsic evidence is reasonable even if it is contrary to certain cited cases from outside this  
2 District.

3 Accordingly, the Court, having reviewed the Report and Recommendation of Chief  
4 Magistrate Judge J. Richard Creatura, Objections from Defendants, and the remaining record,  
5 ORDERS:

6 (1) The Court adopts the Report and Recommendation.

7 (2) Defendants' Motion to Dismiss (Dkt. 9) is denied.

8 DATED this 18<sup>th</sup> day of April, 2022.

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12 RICARDO S. MARTINEZ  
13 CHIEF UNITED STATES DISTRICT JUDGE  
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